

House Amendment 8586

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1 1 Amend House File 2759, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. By striking page 1, line 22, through page 2,
1 4 line 13, and inserting the following: <July 1, 2006,
1 5 and ending June 30, 2009, there is appropriated for
1 6 each fiscal year from the grow Iowa values fund
1 7 created in section 15G.108 two million dollars for
1 8 deposit in the renewable fuel infrastructure fund as
1 9 provided in section 15G.119.
1 10 b. This subsection is repealed on July 1, 2009.
1 11 Sec. _____. Section 15G.114, as enacted by 2006 Iowa
1 12 Acts, House File 2754, section 28, is amended by
1 13 adding the following new subsection:
1 14 NEW SUBSECTION. 3A. "Infrastructure fund" means
1 15 the renewable fuel infrastructure fund created in
1 16 section 15G.119.
1 17 Sec. _____. Section 15G.116, subsection 3, as
1 18 enacted by 2006 Iowa Acts, House File 2754, section
1 19 30, is amended by striking the subsection.
1 20 Sec. _____. Section 15G.117, subsection 2, as
1 21 enacted by 2006 Iowa Acts, House File 2754, section
1 22 31, is amended by striking the subsection.
1 23 Sec. _____. NEW SECTION. 15G.119 RENEWABLE FUEL
1 24 INFRASTRUCTURE FUND.
1 25 1. A renewable fuel infrastructure fund is created
1 26 in the state treasury under the control of the
1 27 department. The infrastructure fund is separate from
1 28 the general fund of the state.
1 29 2. The renewable fuel infrastructure fund is
1 30 composed of moneys appropriated by the general
1 31 assembly and moneys available to and obtained or
1 32 accepted by the department from the United States
1 33 government or private sources for placement in the
1 34 infrastructure fund.
1 35 3. Moneys in the renewable fuel infrastructure
1 36 fund are appropriated to the department exclusively to
1 37 support the renewable fuel infrastructure programs as
1 38 provided in sections 15G.116 and 15G.117, as enacted
1 39 by 2006 Iowa Acts, House File 2754, sections 30 and
1 40 31, as allocated in financial incentives by the
1 41 renewable fuel infrastructure board as created in
1 42 section 15G.115, as enacted by 2006 Iowa Acts, House
1 43 File 2754, section 29. Up to fifty thousand dollars
1 44 shall be allocated each fiscal year to the department
1 45 to support the administration of the programs.
1 46 Otherwise the moneys shall not be transferred, used,
1 47 obligated, appropriated, or otherwise encumbered
1 48 except to allocate as financial incentives under the
1 49 programs.
1 50 4. a. The recapture of awards or penalties, or
2 1 other repayments of moneys originating from the
2 2 renewable fuel infrastructure fund shall be deposited
2 3 into the infrastructure fund.
2 4 b. Notwithstanding section 12C.7, interest or
2 5 earnings on moneys in the infrastructure fund shall be
2 6 credited to the infrastructure fund.
2 7 c. Notwithstanding section 8.33, unencumbered and
2 8 unobligated moneys remaining in the infrastructure
2 9 fund at the close of each fiscal year shall not revert
2 10 but shall remain available in the infrastructure fund
2 11 for expenditure for the same purposes in the
2 12 succeeding fiscal year.
2 13 Sec. _____. NEW SECTION. 214A.1A MOTOR FUEL
2 14 QUALITY ASSURANCE SCHEDULE.
2 15 1. The department shall adopt a schedule which
2 16 provides a schedule of departmental improvements
2 17 required for each fiscal year necessary to assure that
2 18 motor fuel sold and dispensed from motor fuel pumps in
2 19 this state meets all applicable standards as provided
2 20 in section 214A.2. On or before June 1 of each year,
2 21 and based on the schedule of improvements, the
2 22 secretary of agriculture shall certify the amount
2 23 required to implement the improvements required for
2 24 the next fiscal year to the director of the department

2 25 of management and the fiscal services division of the
2 26 legislative services agency. The department of
2 27 management shall conduct a review of the scheduled
2 28 improvements for that fiscal year and may reduce the
2 29 amount certified by the secretary if the department of
2 30 management determines that a lesser amount is
2 31 adequate. The director of the department of
2 32 management and the secretary shall report their
2 33 findings to the legislative government oversight
2 34 committees as required by the committees'
2 35 chairpersons.

2 36 2. For each fiscal year, of the moneys
2 37 appropriated to each state agency to support the
2 38 production or use of ethanol, ethanol blended
2 39 gasoline, biodiesel, or biodiesel blended fuel as
2 40 defined in section 214A.1, the department of
2 41 management shall transfer a prorated share of the
2 42 state agency's appropriation as is necessary to
2 43 satisfy the amount required to comply with the
2 44 schedule of improvements for that fiscal year as
2 45 directed by the department of management. The
2 46 department of management shall identify each affected
2 47 appropriation and notify each head of a department of
2 48 the transfer of the prorated share on or before June
2 49 15 of each year.

2 50 Sec. _____. Section 214A.2, subsection 2A, paragraph
3 1 b, subparagraph (4), as enacted by 2006 Iowa Acts,
3 2 House File 2754, section 7, is amended by striking the
3 3 subparagraph.

3 4 Sec. _____. Section 214A.7, as amended by 2006 Iowa
3 5 Acts, House File 2754, section 12, is amended to read
3 6 as follows:

3 7 214A.7 DEPARTMENT INSPECTION == SAMPLES TESTED.

3 8 The department shall, from time to time, make or
3 9 cause to be made tests of any motor vehicle fuel or
3 10 ~~oxygenate octane enhancer biofuel~~ which is being sold,
3 11 or held or offered for sale within this state. ~~Am A~~
3 12 ~~departmental~~ inspector may enter upon the premises of
3 13 ~~any wholesale dealer or retail a dealer~~, and take from
3 14 any container a sample of the motor vehicle fuel or
3 15 ~~oxygenate octane enhancer biofuel~~, not to exceed
3 16 sixteen fluid ounces. The sample shall be sealed and
3 17 appropriately marked or labeled by the inspector and
3 18 delivered to the department. The department shall
3 19 make, or cause to be made, complete analyses or tests
3 20 of the motor vehicle fuel or ~~oxygenate octane enhancer~~
3 21 ~~biofuel~~ by the methods specified in section 214A.2.

3 22 Sec. _____. Section 422.11N, subsection 4, paragraph
3 23 b, subparagraph (1), subparagraph subdivision (k), as
3 24 enacted by 2006 Iowa Acts, House File 2754, section
3 25 39, is amended to read as follows:

3 26 (k) Twenty-five percent for each determination
3 27 period ~~in the period~~ beginning on ~~and after~~ January 1,
3 28 2019, ~~and ending on December 31, 2020.~~

3 29 Sec. _____. Section 422.11N, subsection 4, paragraph
3 30 b, subparagraph (2), subparagraph subdivisions (l) and
3 31 (m), as enacted by 2006 Iowa Acts, House File 2754,
3 32 section 39, are amended to read as follows:

3 33 (l) ~~Twenty-three~~ Twenty-five percent for the
3 34 determination period beginning on January 1, 2020, and
3 35 ending December 31, 2020.

3 36 ~~(m) Twenty-five percent for each determination~~
3 37 ~~period beginning on and after January 1, 2021.~~

3 38 Sec. _____. Section 422.11N, subsection 4, paragraph
3 39 c, as enacted by 2006 Iowa Acts, House File 2754,
3 40 section 39, is amended to read as follows:

3 41 c. The retail dealer's biofuel threshold
3 42 percentage disparity which is a positive percentage
3 43 difference obtained by taking the minuend which is the
3 44 retail dealer's biofuel ~~distribution threshold~~
3 45 percentage and subtracting from it the subtrahend
3 46 which is the retail dealer's biofuel ~~threshold~~
3 47 ~~distribution~~ percentage, in the retail dealer's
3 48 applicable determination period.

3 49 Sec. _____. Section 422.11N, subsection 5, paragraph
4 50 b, subparagraphs (1) and (2), as enacted by 2006 Iowa
4 1 Acts, House File 2754, section 39, are amended to read
4 2 as follows:

4 3 (1) If a retail dealer has not claimed a tax
4 4 credit in the retail dealer's previous tax year, the
4 5 retail dealer may claim the tax credit in the retail

4 6 dealer's current tax year for that period beginning on
4 7 January 1 of the retail dealer's previous tax year to
4 8 the last day of the retail dealer's previous tax year.
4 9 For that period the retail dealer shall calculate the
4 10 tax credit in the same manner as a retail dealer who
4 11 will calculate the tax credit on December 31 of that
4 12 calendar year as provided in paragraph "a".

4 13 (2) (a) For the period beginning on the first day
4 14 of the retail dealer's tax year until December 31, the
4 15 retail dealer shall calculate the tax credit in the
4 16 same manner as a retail dealer who calculates the tax
4 17 credit on that same December 31 as provided in
4 18 paragraph "a".

4 19 (2) (b) For the period beginning on January 1 to
4 20 the end of the retail dealer's tax year, the retail
4 21 dealer shall calculate the tax credit in the same
4 22 manner as a retail dealer who will calculate the tax
4 23 credit on the following December 31 as provided in
4 24 paragraph "a".

4 25 Sec. _____. Section 422.11N, subsection 9, as
4 26 enacted by 2006 Iowa Acts, House File 2754, section
4 27 39, is amended to read as follows:

4 28 9. This section is repealed on January 1, 2026
4 29 2021.

4 30 Sec. _____. Section 422.11O, subsection 4,
4 31 paragraphs a and b, as enacted by 2006 Iowa Acts,
4 32 House File 2754, section 40, are amended to read as
4 33 follows:

4 34 a. If a retail dealer has not claimed a tax credit
4 35 in the retail dealer's previous tax year, the retail
4 36 dealer may claim the tax credit in the retail dealer's
4 37 current tax year for that period beginning on January
4 38 1 of the retail dealer's previous tax year to the last
4 39 day of the retail dealer's previous tax year. For
4 40 that period the retail dealer shall calculate the tax
4 41 credit in the same manner as a retail dealer who will
4 42 calculate the tax credit on December 31 of that
4 43 calendar year as provided in subsection 3.

4 44 b. (1) For the period beginning on the first day
4 45 of the retail dealer's tax year until December 31, the
4 46 retail dealer shall calculate the tax credit in the
4 47 same manner as a retail dealer who calculates the tax
4 48 credit on that same December 31 as provided in
4 49 subsection 3.

4 50 b. (2) For the period beginning on January 1 to
5 1 the end of the retail dealer's tax year, the retail
5 2 dealer shall calculate the tax credit in the same
5 3 manner as a retail dealer who will calculate the tax
5 4 credit on the following December 31 as provided in
5 5 subsection 3.

5 6 Sec. _____. Section 422.33, subsection 11A,
5 7 paragraph c, as enacted by 2006 Iowa Acts, House File
5 8 2754, section 46, is amended to read as follows:

5 9 c. This subsection is repealed on January 1, 2026
5 10 2021.

5 11 Sec. _____. 2006 Iowa Acts, House File 2754, section
5 12 49, subsection 2, is amended to read as follows:

5 13 2. For a retail dealer who may claim an ethanol
5 14 promotion tax credit under section 422.11N or 422.33,
5 15 subsection 11A, as enacted in this Act, in calendar
5 16 year 2025 2020 and whose tax year ends prior to
5 17 December 31, 2025 2020, the retail dealer may continue
5 18 to claim the tax credit in the retail dealer's
5 19 following tax year. In that case, the tax credit
5 20 shall be calculated in the same manner as provided in
5 21 section 422.11N or 422.33, subsection 11A, as enacted
5 22 in this Act, for the remaining period beginning on the
5 23 first day of the retail dealer's new tax year until
5 24 December 31, 2025 2020. For that remaining period,
5 25 the tax credit shall be calculated in the same manner
5 26 as a retail dealer whose tax year began on the
5 27 previous January 1 and who is calculating the tax
5 28 credit on December 31, 2025 2020.

5 29 Sec. _____. 2006 Iowa Acts, House File 2754, section
5 30 83, subsection 4, is amended to read as follows:

5 31 4. Sections 214A.1, 214A.4, 214A.5, 214A.7,
5 32 214A.8, and 214A.10, Code 2005, are amended by
5 33 striking from the provisions the words "oxygenate
5 34 octane enhancer" and inserting the following:
5 35 "oxygenate".

5 36 Sec. _____. NEW SECTION. 455G.3A SPECIAL

5 37 APPROPRIATION == RENEWABLE FUEL INFRASTRUCTURE FUND.
 5 38 1. Notwithstanding section 455G.3, for the fiscal
 5 39 period beginning July 1, 2006, and ending June 30,
 5 40 2008, there is appropriated each fiscal year from the
 5 41 Iowa comprehensive petroleum underground storage tank
 5 42 fund created in section 455G.3, to the renewable fuel
 5 43 infrastructure fund, created in section 15G.119, three
 5 44 million five hundred thousand dollars.
 5 45 2. This section is repealed on July 1, 2008.
 5 46 Sec. _____. Section 15.401, Code Supplement 2005, is
 5 47 repealed.
 5 48 Sec. _____. TRANSFER OF MONEYS. Moneys appropriated
 5 49 to the Iowa department of economic development for the
 5 50 purposes provided in section 15.401 shall be
 6 1 transferred to the renewable fuel infrastructure fund
 6 2 created in section 15G.119, as enacted by this Act, to
 6 3 be expended as provided in sections 15G.116 and
 6 4 15G.117, as enacted by 2006 Iowa Acts, House File
 6 5 2754, sections 30 and 31.
 6 6 Sec. _____. MOTOR FUEL INSPECTION. There is
 6 7 appropriated from the renewable fuel infrastructure
 6 8 fund as created in section 15G.119, as enacted in this
 6 9 Act, to the department of agriculture and land
 6 10 stewardship for each fiscal year of the fiscal period
 6 11 beginning July 1, 2006, and ending June 30, 2008, the
 6 12 following amount, or so much thereof as is necessary,
 6 13 to be used for the purposes designated:
 6 14 For purposes of the inspection of motor fuel,
 6 15 including salaries, support, maintenance,
 6 16 miscellaneous purposes, and for not more than the
 6 17 following full-time equivalent positions:
 6 18 \$ 300,000
 6 19 FTEs 3.00
 6 20 The department shall establish and administer
 6 21 programs for the auditing of motor fuel including
 6 22 biofuel processing and production plants, for
 6 23 screening and testing motor fuel, including renewable
 6 24 fuel, and for the inspection of motor fuel sold by
 6 25 dealers including retail dealers who sell and dispense
 6 26 motor fuel from motor fuel pumps.>
 6 27 #2. Page 2, line 14, by striking the words <This
 6 28 Act is> and inserting the following: <The sections of
 6 29 this Act, other than the section of this Act enacting
 6 30 section 214A.1A, are>.
 6 31 #3. Page 2, by inserting after line 15 the
 6 32 following:
 6 33 <Sec. _____. SPECIAL EFFECTIVE DATE. The section of
 6 34 this Act enacting section 214A.1A, being deemed of
 6 35 immediate importance, takes effect upon enactment.>
 6 36 #4. Title page, line 1, by inserting before the
 6 37 word <providing> the following: <relating to
 6 38 renewable fuel, by>.
 6 39 #5. Title page, line 2, by inserting after the
 6 40 word <infrastructure,> the following: <providing for
 6 41 tax credits,>.
 6 42 #6. Title page, lines 2 and 3, by striking the
 6 43 words <a contingent effective date> and inserting the
 6 44 following: <contingent and other effective dates>.
 6 45 #7. By renumbering as necessary.
 6 46 HF 2759.S
 6 47 da/cc/26